IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9591 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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STATE OF GUJARAT

Versus

HARESH VADILAL PATEL

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Appearance:

1. Special Civil Application No. 9591 of 2002

MR KP RAVAL, AGP for Petitioner No. 1

MR MR PRAJAPATI for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/08/2004

ORAL JUDGEMENT

1. Mr.K.P.Raval, learned AGP, on instruction from Mr.V.B.Patel, Deputy Executive Engineer, R & B, Kalol,

District Gandhinagar, states that the respondent workman will be reinstated in service without back wages from 1.9.2004 on condition that the respondent workman shall forgive his back wages in lieu of his reinstatement.

2. In this view of the matter, the order of the Labour Court is substituted by issuing a direction that the respondent workman will be reinstated with effect from 1.9.2004 with continuity of service. It is clarified that the said reinstatement will be without back wages.

3. Subject to the what is stated above, this petition is allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(K.S.Jhaveri,J)
(pathan)